



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

March 27, 2015

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## **Summary of Cases Accepted and Related Actions for Week of March 23, 2015**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#15-29 *Maas v. Superior Court*, S225109.** (D064639; 232 Cal.App.4th 169; San Diego County Superior Court; SCE185960, SCE188460.) Review ordered on the court's own motion after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does Code of Civil Procedure section 170.6 permit a peremptory challenge to be asserted, before an order to show cause has issued, against a judge who is assigned to assess a petition for writ of habeas corpus?

**#15-30 *People v. Aparicio*, S224317.** (D064995; 232 Cal.App.4th 1065; San Diego County Superior Court; SF113576.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-31 *People v. Superior Court (Burton)*, S223805.** (E060210; 232 Cal.App.4th 1140; Riverside County Superior Court; RIF098285.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

**#15-32 *People v. Hall*, S224177.** (B252482; nonpublished opinion; Ventura County Superior Court; CR44175.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-33 *People v. Payne*, S223856.** (F067838; 232 Cal.App.4th 579; Merced County Superior Court; SUF20408.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-34 *People v. Ramirez, S224109*.** (D064607; nonpublished opinion; San Diego County Superior Court; SCD104088.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-35 *People v. Superior Court (Williams), S223807*.** (E060260; 232 Cal.App.4th 1149; Riverside County Superior Court; RIF076640.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

The court ordered briefing deferred in *Aparicio, Burton, Hall, Payne, Ramirez*, and *Williams* pending decision in *People v. Chaney, S223676* (#15-13), and *People v. Valencia, S223825* (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

**#15-37 *Hernandez v. W.R. Thomas, Inc., S224451*.** (D064036; nonpublished opinion; Imperial County Superior Court; ECU06984.) Petition for review after the Court of Appeal affirmed an order granting a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC, S199119* (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. 321, preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

## STATUS

**#15-20 *People v. Rodriguez, S223129*.** The court directed briefing and argument on the following issues: (1) Does Penal Code section 1538.5, subdivision (p), vest the trial court with discretion to determine whether the judge who heard a defendant’s original motion to suppress is “available” to hear a subsequent motion, and if so, what considerations should guide the trial court in exercising that discretion? (2) Did the trial court err in concluding that the original trial judge was “unavailable” to hear a renewed motion to suppress within the meaning of Penal Code section 1538.5, subdivision (p)?

*The Supreme Court of California is the state’s highest court and its decisions are binding on all other California state courts. The court’s primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*